

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
JANUARY 17, 2006

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Henry H. Dunlap Jr. Building Classroom, located in Pittsboro, North Carolina, at 3:00 PM on January 17, 2006.

Present: Chairman Bunkey Morgan; Vice Chair, Tommy Emerson; Commissioners Patrick Barnes, Mike Cross, and Carl Outz; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Assistant County Manager, Renee Dickson; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

The meeting was called to order by the Chairman at 3:02 PM.

Work Session Agenda

1. Citizen’s College Presentation
2. Planning Updates
 - A. Statutory changes from last session of General Assembly
 - B. Conditional Use Discussion

The County Manager reviewed the Work Session Agenda and distributed a copy of the current design map of the Business Park including statutory changes which may affect the work.

NC PLANNING LEGISLATION UPDATE

Keith Megginson, Planning Director, updated the Board on statutory changes from the last session of the General Assembly as follows:

- ◆ Allow combination of related ordinances, boards, procedures in unified development ordinance
- ◆ Change references to “planning agencies” to “planning boards”
- ◆ Effective January 01, 2006, except moratoria provisions are now effective

Moratoria:

- ◆ Explicitly allow development moratoria
- ◆ No public hearing if imminent threat to public health and safety
- ◆ Public hearing with one published notice (7 days in advance) if 60 days or less
- ◆ Public hearing with regular two published notices if more than 60 days
- ◆ Require written statement prior to adoption on:
 - ✓ Reasons needed and why alternatives are inadequate
 - ✓ Scope and duration (must be reasonable)
 - ✓ Action plan to address reasons for imposition
- ◆ Limits extensions – only if all reasonable and feasible steps have been taken/new facts
- ◆ Exempts completed applications in process when call for public hearing made

Zoning – Hearing Notices:

- ◆ Reduce half-page published notice for large-scale rezonings from four to two
- ◆ No mailed notice exemption for initial zoning of new territory
- ◆ Requires site posting for all rezoning sites

Zoning – Voting:

- ◆ Prohibit financial conflicts of interest for both council/board of commissioners and planning board
- "Direct, substantial, and readily-identifiable financial interest" mandates recusal

Zoning - Conditional Zoning:

- ◆ Explicitly authorize use
- ◆ Clarify how conditions are set - Anyone can propose, but only those mutually agreeable to owner and governing board can be imposed
- ◆ Limits conditions to those:
 - Needed for ordinance/plan compliance
 - Impacts reasonably expected to be generated by project
- ◆ Require reasonableness analysis for all small-scale rezoning

Zoning-Review of Amendments:

- ◆ All zoning amendments must be referred to planning board
- ◆ Planning board must comment in writing on consistency with all adopted plans
- ◆ Planning board comments not binding

Zoning Plan Consideration:

- ◆ Written statement by council/board of commissioners on consistency with plan required adoption/rejection of all zoning amendments
- ◆ Statement must address why decision is reasonable and in the public interest
- ◆ Statement not subject to judicial review

Zoning – Quasi-judicial:

- ◆ Rules apply to all boards making special and conditional use permit and variance decisions
- ◆ Impartiality required. Prohibits:
 - ✓ Fixed opinion prior to hearing
 - ✓ Undisclosed ex parte communication
 - ✓ Close family, business, or other relationship
 - ✓ Financial interest in outcome
- ◆ Rest of board votes on objections

Zoning – Special and Conditional Use Permits:

- ◆ Can be assigned to governing board, planning board, or board of adjustment
- ◆ Simple majority vote if governing board or planning board; still 4/5 vote if BOA

Zoning – Variances:

- ◆ Use variances specifically prohibited
- ◆ Conditions allowed if related to need for variance, ordinance compliance
- ◆ Can use “special exception” for flexibility where unnecessary hardship is not present

Zoning – Board of Adjustment:

- ◆ Clarify 4/5 calculation – do not count vacancies and recusals in computation
- ◆ Allow County BOA subpoenas

Subdivision Regulation:

- ◆ Explicitly allow sketch plans, preliminary plats, and final plats
- ◆ Explicitly allow different process for different types of subdivision
- ◆ Allow staff to decide some plats

Subdivision:

- ◆ Clarify that first lot out is a subdivision
- ◆ Clarify performance guarantees and require menu of options from which developer can choose
- ◆ Specify that only explicit standards may be used
- ◆ Require standards to provide sufficient guidance to decision-maker
- ◆ Allow contracts to sell lots after preliminary plat approved but prior to final plat approval
- ◆ Allow denial of building permits if illegal subdivision

After answering questions from the Board, the Planning Director stated that he will be bringing other things on moratorium at a later date.

CITIZEN’S COLLEGE PRESENTATION

Rita Spina thanked the Board for allowing time for their presentation. She stated that the program is sponsored by Chatham Citizens for Effective Communities (CCEC); that they had been working for over two years putting together an education program; that the purpose is an opportunity for Chatham Citizens to learn about County and town government from staff and appointed positions, to foster a mutual respect and understanding for each section of the County, to enhance diverse participation in local government, and to create the knowledge base for growth of future leadership for Chatham County; that topics will include planning, emergency operations, budgeting, water and waste management, safety, elections, economics, advisory boards, libraries, courts, and schools; that the CCEC Institute, Inc. is committed to the program for two years at which time the effectiveness of the program will be determined; that classes will be held in the spring and fall semesters; that each class of twenty-five participants will take part in eleven Thursday evening sessions; that the first class will begin the spring semester on March 16, 2006; that the following class would begin in the fall; that they already have the names of six people who wish to be students in the classes; that this comes without any advertising being done thus far; that they have received inquiries from neighboring counties regarding the school; that the classes are open only to Chatham County residents; and that the cost will be \$25.00 per person.

By consensus, the Board expressed pleasure at the idea and asked questions regarding the school and classes.

Commissioner Emerson stated that he thought the school was a great idea and could accomplish a lot of good, but cautioned about letting biases and philosophies interfere with the objective of the program.

BOARDS AND COMMITTEES

- Marilyn Collins, Deputy Clerk, stated that she had compiled a list of each committee on which each Board member serves. She stated that she had also compiled some of the bylaws, statutes, and purposes; that the list also includes a list of appointments for which each member is responsible; that it includes member appointments only, not those of the entire Board; and that if anyone would like a more in-depth list, to please let her know.

CLOSED SESSION

- Commissioner Cross moved, seconded by Commissioner Barnes, to go out of Regular Session and convene in Closed Session for the purpose to seek legal counsel. The motion carried five (5) to zero (0).

REGULAR SESSION

- Commissioner Emerson moved, seconded by Commissioner Cross, to adjourn the Closed Session and reconvene in Regular Session. The motion carried five (5) to zero (0).

WATER UPDATE

- Tim Carpenter, Hobbs, Upchurch & Associates Engineer, asked for clarification of the Pea Ridge Road contract amendment stating that he was unsure whether the Board officially approved the change in diameter of the line on Pea Ridge Road from 12" to 24".

- After discussion and confirmation of the size change, Commissioner Emerson moved, seconded by Commissioner Barnes, to approve the change, size, and associated costs amounting to \$1,477,400,000. The motion carried five (5) to zero (0).

- Chairman Morgan moved, seconded by Commissioner Cross, to extend the contract with Ted Thomas for an additional thirty (30) days at no additional price increase for the completion of meter installation in the Southeast Chatham Water District. The motion carried five (5) to zero (0).

ADJOURNMENT

Commissioner Barnes moved, seconded by Commissioner Cross, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 5:07 PM.

Bunkey Morgan, Chairman

ATTEST:

Sandra B. Sublett, CMC, Clerk to the Board
Chatham County Board of Commissioners